

## Minutes of the July 27, 2012 Regular Council Meeting

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Call to Order and Flag Salute at 3:30 pm by Mayor Serio.

Council in Attendance: Serio, Bunting, Langan, Weistling, Carmean, Tingle and Smallwood

Absent: None

**Service Award** – Mayor Serio presented James Purnell, Public Works Department, a 5-year Service Award and thanked him for his hard work on behalf of the town.

### **President's Report**

- Mayor Serio reported that, as Chair of the Park Task Force, she has had meetings with all concerned in the planning and construction on the new park. The work will begin with the construction of a kayak launch and a path toward the street. Once preliminary sketches have been reviewed, the project will be put out for bid. The committee will meet later to review plans for the remainder of the park. The Town Manager is applying for a State of Delaware grant to plant trees. Funding may be available to construct a sidewalk along the park.

### **Topics for Discussion and Possible Action**

- a. Fenwick Island Fishing Club Tournament October 6, 2012 – John Belian requested Council's approval to allow a vehicle on the beach between Lewes and Farmington Streets for the tournament.

Motion to approve – Council Member Langan

Second – Council Member Carmean

DISCUSSION – None

Vote: All in favor (7-0)

- b. Resolution #56-2012 Amending the Fenwick Island Lifeguard Manual – Mayor Serio explained that some discrepancies exist between the manual and actual practice.

DISCUSSION - Lifeguard Captain Ferry explained that the nature of the job and weather often don't allow for a strict lunch break schedule and that the lifeguard day is 7.75 hours long. The change proposed will allow for at least 30 minutes for a lunch break. Mayor Serio advised that the Council will review the policy and discuss it more fully in the future.

- c. Resolution #57-2012 Collection of Late Fees and Delinquent Penalties – Mayor Serio asked Council to approve the resolution as written.

Motion to approve – Council Member Carmean

Second – Council Member Bunting

DISCUSSION – Mayor Serio advised that the Resolution is necessary according to the Town Charter in order to collect the late/collection fees.

Vote: All in favor (7-0)

- d. Removal of Fines from Each Section of Town Ordinance and Moving to Town Fee Schedule – Council Member Weistling

Motion to approve – Council Member Carmean

Second – Council Member Langan

DISCUSSION – Council Member Weistling advised that it is easier to pass an annual blanket document than it is to review annually each section and to take the proposed changes through the First/Second Reading process. Building Official Pat Schuchman advised that there will be a specific section in the ordinance to supersede the fines listed individually at the end of each chapter. Town Manager Burke noted that a simple fee schedule is easy for staff to administer and for judges to make rulings. Council Member Weistling will take the proposed change to the Town Solicitor for an opinion and that ~~she~~ the Chief of Police might possibly speak with the Chief Magistrate about suggested wording.

Vote: (0-7) motion failed.

### **Approval of Minutes:**

Motion to Approve the Minutes of June 22, 2012 Meeting - Council Member Weistling

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Second - Council Member Langan

DISCUSSION – None

Vote: All in favor to accept the minutes (7-0)

## **Treasurer's Report:**

Council Member Bunting advised the Town is still under budget and might have a surplus.

Motion to accept the Treasurer's Report – Council Member Tingle

Second – Council Member Langan

DISCUSSION - None

Vote: All in favor to accept the Treasurer's report (7-0)

## **Town Manager Report:**

Town Manager Burke reported that:

- The Cannon Street Park is in the design phase and plans are being evaluated. A fence will be constructed around the basketball court.
- The Town Manager and the Public Works Department staff will have a quarterly safety meeting on August 10, 2012. A representative from The University of Delaware will talk with them about traffic safety.
- He will meet with Landmark Engineering to discuss sidewalks for the park. Municipal Street Aid funds are available for the project.
- Renovations in Town Hall are in process.
- The Town has received a \$15,000 grant from Sussex County Council to help defray the cost of providing lifeguard service to the State beaches.
- As a result of a meeting with DEMA regarding hazard mitigation grants, the Town Manager would like to explore grant opportunities for mobile fuel tanks.

Motion to explore grant opportunities – Council Member Bunting

Second – Council Member Langan

Vote: All in favor (7-0)

## **Department Reports:**

- Building Official – Patricia Schuchman advised that her report is included in the meeting packet.
  - She issued 16 Outside Contractor licenses, 6 Rental licenses and 6 resident merchant licenses.
  - Twenty seven properties have been reassessed for an increase of \$323,517 in assessed value and \$6212 increase in taxes.
- Public Works – Bryan Reed advised that his report is included in meeting packet.
  - The Public Works Department is busy with the Town Hall renovation.
  - Two additional dog waste boxes will be installed. These will be on the bay side.
  - The gazebo in the Town Park has been repaired; the shuffleboard courts are being refurbished.
  - The damaged Path Mats on Farmington Street beach crossover have been removed.
- Fenwick Island Beach Patrol – Captain ~~Time~~ Tim Ferry reported that his report is included in the Council packet.
  - Since his printed report, the patrol has effected 76 rescues, found 2 lost children, responded to 2 medical emergencies and used the ATV/wheelchair for transport 25 times.
  - Mayor Serio advised that the Bethany-Fenwick Chamber of Commerce will sponsor their Annual Outstanding Lifeguard Awards; Andrew Majewski is the Fenwick Island Beach Patrol Lifeguard of the Year. The Chamber of Commerce also awards an annual appropriation to The Town to help with the cost of extending the season beyond Labor Day.
- Police Department – Chief Boyden reported that in addition to his report (included in Council booklet) the officers have begun bike patrols. Several communities are experiencing thefts from vehicles, especially cell phones and other electronic devices. Please lock your car.

## **Committee Reports:**

- Beach Committee – Council Member Gene Langan reported that the annual bonfire was a success and raised \$5800. He thanked all those involved for helping to make this annual event a success.

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- Environmental Committee – Chair Mary Ellen Langan reported that the additional dog waste containers will be placed on Schulz Road. The committee is working with PNC Bank to tie an Environmental Committee activity in with their shred day in September. The committee also is exploring a smoking ban on the beach.

**Planning Commission:** Report included in the booklet. Town Clerk Agnes DiPietrantonio reported that the Commission has received the PLUS Review Committee's comments and will review at their next meeting.

## Charter & Ordinance

- **Proposed First Reading Chapter 160-6A(9)(B) Zoning (Fences) – Council Member Weistling**

Council Member Weistling motioned that Council accept the proposed First Reading (copy attached to these minutes)

Second – Council Member Carmean

DISCUSSION – None

VOTE: All in favor (7-0)

- **Proposed First Reading Chapter 100 – Licensing – Council Member Weistling**

Council member Weistling motioned that Council accept the proposed First Reading (copy attached to these minutes)

Second – Council Member Langan

DISCUSSION

Council member Weistling advised that this change replaced the existing in its entirety. A separate "Declaration of Property Status" is included and fines have been changed. Town Manager Burke noted that this will help The Town to better track those properties that are rented. Building Official Schuchman advised that The Town may not issue a rental license nor parking permits to those who fail to return the form. Council Member Weistling added that the form is not a part of the Ordinance change and it can be modified without Council approval.

VOTE: All in favor (7-0)

- **Proposed First Reading Chapter 112 – Parking – Council Member Weistling**

Council Member Weistling motioned that Council accept the proposed First Reading (copy attached to these minutes)

Second – Council Member Carmean

DISCUSSION

Council Member Weistling advised that the change has been modeled after one in use by South Bethany. It will provide added incentive to complete and return forms.

Vote: All in favor (7-0)

## Old Business

Council Member Tingle asked that Council consider purchasing additional Mobi Mats to complete all crossovers in the event that there is a large enough surplus left in the FY12 Budget. Mayor Serio asked that the Town Manager get firm figures and the matter will be resolved at the next regular Council meeting. Town Manager Burke advised that the Path Mats on Farmington Street are for testing and may be offered to The Town at a discount. He estimated it might cost up to \$25,000 to complete mats on James, Farmington and Essex Streets.

## New Business – No Action to be Taken

Council Member Weistling researched other communities and their policies regarding beach concessions. He asked Council to review the information for possible consideration in the future.

## Public Participation:

- Ben Waide (2 W Dagsboro St) – congratulated The Town on its success in collecting taxes
- Lynn Andrews (1205 Schulz Rd) – asked if there has been any further action regarding naming the new Cannon Street Park after Mary Pat Kyle. She also asked Council to verify that CPL Schuyler's disability is service related (yes) and noted that beach concession might make up for some lost parking permit revenue.
- Council Member Smallwood asked if there have been any complaints about the movies on the beach (no).

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- Public Works Supervisor Reed advised that, although you do not need to be certified for herbicide application, the Public Works Department will be taking classes for certification. They also will attend a 10-hour OSHA class sponsored by the T2 Center.

### **Upcoming Events and Meetings:**

Mayor Serio announced all upcoming meetings and events. The Barefoot Gardeners will have a Flower Show at St. Matthew's-by-the-Sea on August 17, 2012 from noon to 3:00 PM. Mary Ellen Langan advised that the Environmental Committee will meet on August 9, 2012 at 2:30 PM.

Motion to adjourn – Council Member Weistling

Second – Council Member Langan

Meeting adjourned at 4:55 PM.

Agnes DiPietrantonio, Town Clerk  
for Diane Tingle, Secretary

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## TOWN OF FENWICK ISLAND PERSONNEL POLICIES

### AMEND LIFEGUARD POLICY MANUAL Council Resolution #56-2012

Revised Lunch and Break Schedule as follows:

Lunch begins at 11:30 a.m. daily and runs in at least 30-minute intervals unless conditions dictate otherwise. At the designated time, the lunch signal will be sent down the beach from Dagsboro Street. All guards are to remain on the stand until the signal has been made and sent to the next stand.

Attest:

Agnes D. DiPietrantonio, Town Clerk

Audrey Serio, President of Council

Diane B. Tingle, Secretary of Council

I, Diane B. Tingle, Secretary of the Town Council, of the Town of Fenwick Island, Delaware, do hereby certify that the foregoing is a true and correct copy of the Resolution passed by the President and Council at a meeting on July 27, 2012, at which a quorum was present and voting throughout and the same is still in force and effect.

Date

Diane B. Tingle, Council Secretary

### NOTICE

On July 27, 2012 The Fenwick Island Town Council  
Passed the Following Resolution #57-2012  
Collection of Late Fees and Delinquent Penalties

**Whereas**, The Charter of The Town of Fenwick Island Section 24 authorizes The Town to collect Annual Taxes, and

**Whereas**, tax bills for the year 2011-2012 having been issued and posted according to the Charter Section 24 (B) Collection of Annual Taxes, and

**Whereas**, all taxes so laid or imposed by The Town of Fenwick Island in such Annual Tax List shall be and constitute a lien upon all the real estate of the taxable for a period of ten (10) years against or upon whom such taxes are laid or imposed, and

**Whereas**, there shall be added a penalty of five percent (5%) for each month or fraction thereof such taxes shall remain unpaid, and

**Whereas**, in effecting a collection of delinquent tax, the Town Council may impose a collection charge not to exceed eighteen percent (18%) of the amount of the tax and any penalty imposed thereon, and

**Whereas**, the following have not paid in full the amounts due in late fees and attorney fees:

- Lindsay, Robert W. Trustee (1-34 23.08 42.00 Paul Breger Subd, Lot 5) also known as 1612 Coastal Highway
- Turner, Ty A. (1-34 23.16 154.00 Madison Gray Subd 1 Lot 100 South Carolina Ave) also known as 21 W South Carolina Avenue

**Whereas**, the above noted, owing late fees and attorney fees as follows:

- Lindsay, Robert W Trustee – late fees \$97.60
- Turner, Ty A – late fees \$140.48 and attorney fees \$150.00

**Whereas**, The Town Council shall have the power by appropriate resolution to make just allowances for delinquencies in the collection of taxes;

**Therefore**, the Town Council, of the Town of Fenwick Island, do hereby authorize these delinquent fees be added to the 2012-2013 tax billing for the above noted and in the amounts noted and do hereby reassert the Town of Fenwick Island's authority to a lien upon all the real estate of the taxable for a period of ten (10) years against or upon whom such taxes are laid or imposed,

Attest:

Agnes D. DiPietrantonio, Town Clerk

Audrey Serio, President of Council

Diane B. Tingle, Council Secretary

I, Diane B. Tingle, Secretary of the Town Council, of the Town of Fenwick Island, Delaware, do hereby certify that the foregoing is a true and correct copy of the Resolution passed by the President and Council at a meeting on July 27, 2012 at which a quorum was present and voting throughout and the same is still in force and effect.

Date

Diane B. Tingle, Council Secretary

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*Proposed First Reading: July 27, 2012*

## ***Proposed First Reading – July 27, 2012***

### **Chapter 160-6A(9)(b):**

#### **EXISTING:**

(b) An exception to Subsection A(9)(a) above is that a fence, wall, hedge, partition or other such structure along the rear lot line within the limits of any lot zoned commercial which fronts on Route 1, and/or along the corresponding property line in the Residential Zone comprising such property line, shall be permitted, not to exceed seven feet in height above the curb or crown level of the adjoining street of such structure, except that, in the case of corner lots fronting on Route 1, the structure from the side street property line to a point 25 feet in from said property line shall not exceed four feet in height above the curb or crown level of the adjoining street of such structure. A solid foundation or retaining wall for such structure shall be permitted, not to exceed two feet in height above the crown of the side streets adjacent to the commercial property. The remainder of the fence, wall, partition or other such structure shall not be solid but shall have openings approximately 20% to 30% of the total surface area to provide for the flow-through of air. A detailed design drawing of the structure shall be submitted with the application for a building permit.

#### **PROPOSED:**

(b) An exception to Subsection A(9)(a) above is that a fence, wall, hedge, partition or other such structure along the rear lot line within the limits of any lot zoned commercial which fronts on Route 1, and/or along the corresponding property line in the Residential Zone comprising such property line, shall be permitted, not to exceed seven feet in height above the curb or crown level of the adjoining street of such structure, except that, in the case of corner lots fronting on Route 1, the structure from the side street property line to a point 15 feet in from said property line shall not exceed four feet in height above the curb or crown level of the adjoining street of such structure. A solid foundation or retaining wall for such structure shall be permitted, not to exceed two feet in height above the crown of the side streets adjacent to the commercial property. The remainder of the fence, wall, partition or other such structure shall not be solid but shall have openings approximately 20% to 30% of the total surface area to provide for the flow-through of air. A detailed design drawing of the structure shall be submitted with the application for a building permit.

POSTED: July 30, 2012

### **Chapter 112-5 – Parking**

#### **ADD:**

- H. The Town shall have the right to deny parking permits to any property owner who has not completed the Declaration of Property Status for Rental and Non-Rental Property Owners form as provided in § 160-9A(10) for each calendar year that the form is not returned.
- I. Anyone having a delinquent tax or other financial obligation due the Town shall be denied parking permits until the obligation is satisfied.

POSTED: July 30, 2012



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Proposed First Reading: July 27, 2012

Replace in its entirety:

## CHAPTER 100 – LICENSING

### § 100-1. License requirement.

No person shall operate, maintain or otherwise engage in any business, occupation or activity designated hereafter in this chapter without first obtaining a license from the town. Licenses shall be issued only to allowable businesses, occupations or activities set forth in Chapter 160. Zoning ***and shall pay the Town an annual fee as set by resolution of the Town Council from time to time.***

### § 100-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**ESTABLISHMENT** - A building or part thereof, or each motor vehicle, or each stand, at or from which any merchandise or commodities are dispensed, or facilities or services are provided, to members of the general public.

**PERSON** - Includes firms, companies, corporations, partnerships, associations, as well as individuals.

### § 100-3. License year.

The license year shall begin January 1 and end December 31 of each calendar year.

### § 100-4. License requirement before start of business.

Annual licenses must be obtained prior to opening, starting or continuing any business, occupation or activity as described in this chapter for any license year.

### § 100-5. Posting of licenses.

All licenses issued under this chapter shall be posted in a public place in the establishment, at the place of business for which it is issued, or, as the case may be, shall be carried on the person of the licensee.

### § 100-6. Form of license; records to be kept.

The Town shall prescribe the form of the establishment license certificate and vending and/or music machine license certificate to be issued to applicants and keep full and complete records of all licenses issued and the expiration dates thereof and the license fee charged.

### § 100-7. Determination of license class.

**Whenever the Town Manager is unable to determine the class and fee for a license application, the Town Manager shall refer the application to the Town Council for disposition.**

### § 100-8. License fees.

A. Any person engaged, for profit, in selling any and all merchandise and/or given commodities and/or in providing facilities, services, rental units and/or food service within the Town at or from any given establishment as follows **including but not limited to:**

- (1) Each establishment used as a restaurant or eating establishment or carry-out food establishment.
- (2) Each establishment used for real estate sales or rentals.
- (3) Each establishment for sale of any merchandise and/or commodities and/or combination thereof.
- (4) Each establishment used as a bank or lending institution.
- (5) Each concession that operates in Town and/or on the beach.

B. Any person within the Town engaged, for profit, in providing services for use or entertainment as follows shall pay the Town a fee as set by resolution of the Town Council from time to time:

- (1) For each person engaged in building, altering, repairing, remodeling, constructing and/or maintenance of buildings.
- (2) For each person providing services and/or materials doing business in the town.

C. Any person engaged for profit in renting motel/hotel rooms or suites of rooms, single-family dwellings, townhouses, apartments or any real property, or portion thereof, within the Town shall pay an annual license fee as set by resolution of the Town Council from time to time.

D. Each establishment offering for public use the following shall pay a fee as set by resolution of the Town Council from time to time:

(1) Vending machines/**dispensing machines**, subject to the conditions that all vending machines shall be permitted as a part of licensed establishments only and shall be operated by and under the control of the establishment licensee. **All** vending machines shall be located within buildings of licensed establishments or, if located outside such buildings, shall not project beyond the front building line or into the side or rear yards, and must be located not more than one foot from the exterior wall of such buildings.

- (a) Each drink, food or candy machine.
- (b) Each ice machine.
- (c) Each cigarette machine.
- (d) Each newspaper or U.S. Postage Stamp machine.
- (e) Dispensing machine other than provided in Subsection **D(1)(a), (b), (c) and (d)** above.

(2) Music machines operated by depositing money, slug or similar medium in the machine, subject to the conditions that all music machines shall be permitted as a part of licensed establishments only and shall be operated by and under the control of the establishment licensee, and all music machines shall be allowed only inside totally enclosed buildings of licensed establishments, and during operation of such machines all windows and doors shall be kept closed so that the sound cannot be heard outside the buildings.

(3) In order to preserve the peace and good order of the Town and the health, welfare and safety of the people of the town, coin-operated amusement machines in a single commercial establishment or any form of game machine, instrument or apparatus not prohibited under the law of the State of Delaware shall be permitted as a part of licensed establishments only and shall be operated under the control of the establishment licensee, shall be incidental and subordinate to the main business of the establishment for which the establishment is licensed, and all such machines shall be allowed only inside totally enclosed buildings of licensed establishments, and the number of such machines shall be limited to three such machines per licensed establishment.

(4) Children's riding amusements shall be permitted in a single commercial establishment only. They shall be permitted as a part of the licensed establishment and shall be operated under the control of the establishment licensee, shall be incidental and subordinate to the main business of the establishment for which the establishment is licensed. The number of such shall be limited to one per licensed establishment. The children's riding amusements are limited to small electrically operated devices built for a maximum of four children. Such devices may include a riding horse, stagecoach or a rocket, but **do** not include the multi-child rides customarily located in an amusement park.

E. All of the above license fees in this subsection shall be in addition to any establishment license fees. Any person engaged for profit in providing services within the town, which services provided in the Town of Fenwick Island and elsewhere gross \$1,500 or less annually shall **not** pay an annual fee to the Town as set by resolution of the Town Council from time to time:

- (1) Nonresidents of the Town of Fenwick Island.

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(2) Residents and property owners of the Town of Fenwick Island: no fee; however, all provisions of Chapter 160, Zoning, concerning Residential Zone restrictions shall be adhered to.

F. Persons engaged in the delivery only of unmetered commodities and/or material; as well as persons engaged in providing at the properties of the property owners of the Town professional services, including and limited to health services and land-surveying services for which the State of Delaware requires certification and a license, shall not be required to obtain a Town license.

## § 100-9. Applications for licenses.

A. Applications for establishment licenses shall be addressed to the Town in writing, verified by oath or affirmation signed by the applicant. Each applicant shall give the following information:

- (1) The home or business address of the applicant.
- (2) If the applicant is a partnership, the names and addresses of the individuals composing the partnership.
- (3) If the applicant is a corporation, the names and addresses of the principal officers of the corporation.
- (4) A full description of the nature of the business or enterprise for which the license is required.
- (5) A plot plan of the premises if the license fee is determined by the square footage, together with the calculation of the area.
- (6) A statement that the applicant has complied with all laws and ordinances of the Town of Fenwick Island and that all taxes and assessments due the Town of Fenwick Island upon the property which the licensee will operate, if any, are paid.
- (7) Authorization for the town, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application and the qualifications of the applicant for the license.
- (8) Written declaration by the applicant, under penalty of perjury, that the information contained in the application is true and correct, with said application being duly dated and signed in the town.
- (9) In the case of a license application for vending, music or amusement machines, an itemized list of all machines to be licensed and the name of the licensed establishment where the machines are to be used.
- (10) In the case of an application by a property owner for a business license to rent a single-family dwelling, townhouses, or apartment, and in the case of an application by a realtor for a business license, a statement that the applicant will inform all prospective tenants of the maximum overnight occupancy for each dwelling, townhouse, or apartment, such maximum not to exceed 12 persons, and that the applicant will assure compliance with such maximum occupancy. Prior to the issuance of a license, each property owner must also complete any and all application forms required by the Town, including, but not limited to, the Declaration of Property Status for Rental and Non-Rental Property Owners form.

(a) Property owners who provide the town, by December 31, 2001, satisfactory written documentation that they offered and contracted, prior to June 22, 2001, to rent their single-family dwelling during the calendar year 2001 with a specific overnight maximum occupancy of more than 12 persons will be allowed to continue such practice for a period of up to two years starting January 1, 2002.

B.

(Reserved)

## § 100-10. When taxes or assessments are due.

No license shall be issued under this chapter to be used upon the premises upon which any taxes or assessment due the Town of Fenwick Island are due but not paid.

## § 100-11. License business to be lawful.

It shall be a condition to the issuance of any and all licenses under this chapter that the business, occupation or activity licensed shall be used and operated only for lawful purposes. The right of the Town Council of Fenwick Island, Delaware, in its discretion, to refuse to grant any license and to revoke any license previously granted is hereby specifically reserved.

## § 100-12. Issuance or refusal of license.

A. Upon the receipt of an application completed in good order, the Town Manager shall examine such application and shall ascertain by such examination whether the activities indicated and described are in accordance with the requirements of this chapter and all other pertinent laws and ordinances.

B. If the Town Manager is satisfied that the activities described in the application for license and the information filed therewith conform to the requirements of this chapter and other pertinent laws and ordinances, the Town Manager shall issue a license to the applicant.

C. If the application for a license describes an activity or contains information which does not conform to the requirements of this chapter or other pertinent laws or ordinances, the Town Manager shall not issue a license, but shall return the application to the applicant with his refusal to issue such license. Such refusal shall, when requested, be in writing and shall contain the reasons therefor.

## § 100-13. Charitable institutions.

No license fee shall be charged for a license issued to a charitable or public service institution, association, club or body not organized and conducted for private gain, nor shall the Town be charged for licenses.

## § 100-14. Suspension or revocation of license.

A. Any license issued pursuant to this chapter shall be subject to suspension or revocation by the Town Manager for violation of any provision of this chapter or for any grounds that would warrant the denial or issuance of such license in the first place. The Town Manager, upon revocation or suspension, shall state his reasons in writing and specify the particular grounds for such revocation or suspension.

B. In the case of a rental license issued to a single-family residential property owner, such license may be revoked if there been three or more cases during a calendar year of violations of either § 100-9A(10) of this chapter (overnight occupancy by more than 12 persons) or § 107-2A of Chapter 107 (noise disturbance). Oral and written notice of each such violation will be given to the licensed property owner and his/her realtor. Such license revocation may be immediate, or deferred to the entire rental season for the following year, or both.

C. In the case of a mercantile license for a realtor, which license includes the renting of single-family residential properties on behalf of property owners, an application for such a license to rent in a given calendar year will be denied if, in the previous calendar year, the licenses for three or more rental properties under a realtor's management were revoked according to the conditions specified in Subsection B above.

## § 100-15. Violations and penalties.

Whoever shall violate any provisions of this chapter shall, upon conviction thereof, be subject to a fine of \$200. Each day that a business, occupation or activity is carried on, prosecuted, conducted or engaged in without a proper license having been obtained pursuant to this chapter shall be deemed to be a separate offense. In accordance with § 160-9A(10), each property owner must also complete any and all application forms required by the Town, including, but not limited to, obtaining a Town rental license and submitting the Declaration of Property Status for Rental and Non-Rental Property Owners form. A violation of the rental licensing provisions of the Town's Code shall result in a fine of 200.00 for each day that the violation exists.

## § 100-16. Appeals.

Any person aggrieved by a decision of the Town Manager may, within 15 days, take a written notice of appeal to the Town Manager. Upon payment of a fee as set by resolution of the Town Council, the Town Manager shall forward the appeal and all paperwork to the



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Secretary of Town Council who shall set a date, time and place of the hearing of the appeal no more than 15 days from the receipt of the appeal. Notice of the appeal shall be sent to the appellant and published in a newspaper of local circulation at least seven days prior to the scheduled hearing.

POSTED: July 30, 2012

## DECLARATION OF PROPERTY STATUS FOR RENTAL AND NON-RENTAL PROPERTY OWNERS

*(Return this form with your property tax payment)*

The Town of Fenwick Island municipal code, Chapter 100 – Licensing, requires that any person, partnership, corporation or other entity engaged in renting or leasing a home, apartment or room (short or long-term leases) must apply for and receive a rental license each year, including the payment of a license fee determined and set by Town Council from time to time. The rental period covered by each annual license is January 1 through December 31. A violation of the rental licensing provisions of the Town's Code shall result in a fine of \$200.00 for each day that the violation exists.

### PART A – FOR OWNERS WHO DO NOT RENT

I HEREBY DECLARE, UNDER THE PENALTY OF PERJURY, THAT I DO NOT RENT OR LEASE MY REAL PROPERTY LOCATED IN THE TOWN OF FENWICK ISLAND, OR ANY PORTION THEREOF, AND, THEREFORE, I AM NOT APPLYING FOR A RENTAL LICENSE.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name (print): \_\_\_\_\_ F.I. Address: \_\_\_\_\_

### PART B – FOR OWNERS WHO RENT – YOU MUST COMPLETE AND SUBMIT THIS FORM TO THE TOWN. THIS FORM IS STEP ONE OF THE RENTAL LICENSE APPLICATION PROCESS AND NO RENTAL LICENSE SHALL BE ISSUED ABSENT SUCCESSFUL COMPLETION AND SUBMISSION OF THIS FORM TO THE TOWN.

I HEREBY ACKNOWLEDGE that, in order to maintain rental privileges for my real property located within the Town of Fenwick Island, I must comply with all Regulations and Ordinances of the Town of Fenwick Island, including, but not limited to, obtaining a rental license from the Town in accordance with Chapter 100 of the Code of the Town of Fenwick Island and payment of all taxes and assessments due and owing the Town of Fenwick Island, whether such are real property taxes, gross rental receipts taxes, or any other lawfully imposed tax or assessment. I hereby further acknowledge that gross rental receipts are taxed at the rate of 7.5% on all residential rental income and are due twice yearly on May 31 and November 30.

I hereby authorize the Town of Fenwick Island, its agents, and employees to seek such additional information and to conduct such investigations as the Town may deem necessary in order to verify the truthfulness of any statement made herein and/or ascertain the qualifications of the undersigned applicant for a rental license.

I declare, under the penalty of perjury, that the information contained in this application document is true and correct.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name (print): \_\_\_\_\_ F.I. Address: \_\_\_\_\_